

COBBETT'S WEEKLY POLITICAL REGISTER.

VOL. XXIII. No. 20.] LONDON, SATURDAY, MAY 15, 1813. [Price 1s.

705]

[706

SUMMARY OF POLITICS.

BERKSHIRE MEETING.—"SPIRIT OF THE BOOK."—This county, one of the very first in the kingdom to step forward in all cases where justice calls for the people's interference, met on Monday, the 4th instant, to address the Princess of Wales. —Mr. MONK moved the Address, and was seconded by Mr. MAKANESS, who was followed by Mr. HALLETT. —These Berkshire men talk *too freely* for me to dare to insert their speeches. But, I have read, with great pleasure, all the excellent things they said about the parties, high and low, concerned in the transactions of which they spoke. —There was a Mr. REYNARD, who spoke against the Address, who was very neatly answered by Mr. H. MARSH. But, what I am anxious particularly to notice with regard to this Meeting, is, an observation of Mr. Reynard, relative to a publication, called the "SPIRIT OF THE BOOK." This gentleman is reported to have said, that that work contained matter against the Princess, which *had not yet been answered*. —That any person, pretending to speak at a public meeting, should have named such a publication, as containing any thing worthy of serious notice, is quite surprising; and it only shows to what shifts and tricks the enemies of the Princess are ready to resort. —The thing having been mentioned, however, and on such an occasion, I will, for the information of the Tax-payers of Berkshire, give the real history of this publication. —I saw it *in manuscript*: it was while I was in Newgate for two years, for having written about the flogging of English militia-men, at the town of Ely, in England, under the superintendence of German Troops, and about a year before I paid the Prince Regent a fine of a thousand pounds, for the same crime; while, I say, I was thus in Newgate, a young man, who said his name was HAYDN, came to me with the "*Spirit of the Book*," in manuscript, and told me that it was the writing of a person then in the King's Bench prison. —He told me, that, under feigned names, it was

the true account of the quarrels between the Prince and Princess of Wales. —He left it with me to read. I read it, and I found (for I had seen part of the real Book before) that, not only was it a mere *romance*, that it was, as to its intended meaning, a string of lies; but, that the author never could have seen the Book, or any part of it. —When, therefore, Mr. Haydn returned, I gave him his manuscript; told him it was all falsehood; told him that it was very unjust to publish such a thing; and advised him to have nothing to do with the matter. —The production was, however, published; and Mr. Haydn brought me a copy and gave it me. —He asked me to mention it in the Register. I told him, that I could not do any thing tending to give the work currency, because I knew it to be wholly false, and because I regarded it as containing matter calculated to do great injustice to the Princess of Wales. —He then asked me to be so good as to *write against it!* That I also refused, as being likely to aid in the circulation. —However, it wanted no aid of mine. *Curiosity*; the love of *diving* into such matters; and the manner of dressing up the story, sent it through all the circulating libraries in the kingdom. The sale was immense; and the profit, as I am told, not less than *three or four thousand pounds*. —This is the true history of the work, which Mr. REYNARD thought proper to refer to at the public Meeting of a county, as containing serious matter against the Princess of Wales. —What, after this, will not the enemies of the Princess trump up? Will they stop at any thing? I think it is not likely that they will; and, therefore, the public ought to be upon their guard against every thing which they say. —The Address, in Berkshire, was, it seems, carried with only two voices against it; but, as we are told in the Morning Chronicle, Mr. DUNDAS, one of the County Members, has refused to present it, on account of certain parts in it censuring the conduct of the *four Lords*, who held the Inquiry. If this be true, the people of Berkshire ought to bear it in mind. What

right has Mr. Dundas to refuse to comply with a vote of the whole county upon such a ground as that which is here alleged? The people of the county voted, that the Address, which they agreed to, should be carried up by the county Members; and, if those Members refuse, what pretty *representatives* they are! They seem to think, however, that they are not chosen by the *people*; they well know, that it is not the free popular voice that has placed them where they are; and, therefore, they disregard, very likely, that voice.—The Meeting included, as it ought, all persons in the county, *paying taxes*; and, surely, a man who pays taxes, ought to have something to say in the affairs of the country and the government.—Here, again, we see (and, indeed, it meets us every where) the want of a reform in the parliament. The statement about the conduct of Mr. Dundas may be untrue; but, if he has refused, the cause is, that he knows that he does not depend for his seat upon the *payers of the taxes*; but, in the first place, upon the dependants of Government; upon the aristocracy and the church; and, then, upon *their dependants*. If every man who pays taxes had had a vote in the county, Mr. Dundas would not have refused to present an Address of the people.—Mr. HALLETT made an observation that was very striking. It was this: that, when the Addresses were going on against the conduct of the *Duke of York*, the movers were accused of *faction* and *disloyal* motives; and, that, now that they are addressing the Princess upon her escape from the machinations of disloyal conspirators, they are still accused of *faction* and *disloyal* motives.—As he observed, these accusers are *very difficult to please*. The truth is, they depend on the Government for the whole, or part, of what they possess, and, they imagine, that Addresses *for the Princess* are as disagreeable to those in power as Addresses were *against the Duke of York*.—That they think this is manifest enough; but, the wonder is, *why* they should think so! Why they should imagine, that Addresses, expressing joy at the escape of the wife from a foul, and base, and infamous conspiracy, should be *displeasing to any one in power*. Why they should think this is the wonder; and yet, that they do think it, appears very clear to me; because I always see them ready to pour in Addresses, when those Addresses are manifestly pleasing to the *Government*. There is one thing, in the people have been a

little deficient; namely, in not having *addressed the Regent* upon the subject of his Royal Consort's escape from so base and wicked an attempt against her honour and life.—His joy must be as much greater than any other man's, upon the occasion, as his honour was more at stake. Her acquittal; the complete proof of her innocence, and of the guilt of her infamous enemies; the shame, the disgrace, now affixed for ever on the heads of the "suborned and perjured traducers," must give him, above all men, satisfaction. Indeed the whole of the Royal Family, and, amongst the female part, the *Queen*, that good old Lady, her aunt and mother-in-law, must feel her heart warmed at the wiping off of these aspersions on her family. I think, that Her Majesty also ought to be addressed; for, as I find from the *Gazette*, she was addressed upon the *marriage* of the Princess, and upon the *birth of her child*. Why not address the *Queen* now? I would, if I had any thing to do with Addresses. I do not like the idea of treating the *Queen* as if she were out of date. There can be no doubt; it would be disloyal to doubt, that Her Majesty must feel the most lively satisfaction upon the occasion; and, by all that's loyal, address her I would! The people must meet again. They have but half done their business. Indeed, though the Ministers have, perhaps, too much modesty to say it, they, I dare say, are offended to see no Addresses coming forward to the *Queen* and the *Regent*. This, now I rightly think of the matter, must be the cause why they appear so cold upon the occasion. Go at them, therefore, with Addresses to the *Regent* and the *Queen*, and I will engage, that they will discover a strong fellow-feeling in the work.—It is, perhaps, for this second series of Addresses that the *Clergy* are reserving themselves; and, I must confess, that I am impatient to see those gentlemen come out. They have seldom been behind hand, when the work of *Addressing* was going forward in *favour* of any one of the Royal Family; and, upon an occasion like this, where an innocent woman has escaped from a base combination against her, the Church, it appears to me, ought to have stood in the front. Why the *Clergy* have hung back I cannot imagine. I wish some one, at least, of them would give us the *reasons* for what appears so astonishing. But, at any rate, if they will not come out, let us bear the fact in mind.



THE TRINITY.—This seems an odd sort of topic for a *Political Register*; but, it belongs to politics as much as *war* does, it having become the subject of Acts of Parliament, and being now, if the news-papers tell us truth, about to become the subject of a new Act.—This Act will, if passed, make a much greater change in the religion of this country than has ever yet been made. It strikes at the root of *Christianity* itself. Now, mind, I say this as my deliberate opinion; and the *reasons*, on which I found this opinion, I will state fully, when I have inserted the report of the proceedings in the House of Commons.—“MR. WM. SMITH said, he believed “no opposition would be made to the motion he was about to submit to the House, “and he therefore would not take up two “minutes of their attention. The Act of “King William, known by the name of “the Toleration Act, denied to persons “who disbelieved in the Trinity the benefit of toleration. An Act of the 19th of “His present Majesty required only the general belief in *the doctrines of Christianity and the Scriptures*; but it so happened, that though by the Act of the “19th it was not necessary to subscribe the “Articles of the Church of England, professing the belief in the Trinity, the Acts “of the 9th and 10th of King William “were not repealed. By these Acts, persons who in writing or conversation deny “the existence of any of the persons of the “Trinity, are disabled in law from holding any office, civil, ecclesiastical, or “military, on conviction; and if a second “time convicted, they are disabled to sue “or prosecute in any action or information, “or to be the guardian of any child, and “liable to be imprisoned for three years. “The only object of his Bill was to do “away these penalties. He said the liberal Act which was passed last year was “highly creditable to the liberality of the “Ministers of this country, and the times “in which we lived. The only question “now for consideration was, whether those “persons dissenting from the Church of “England, should be still liable to the penalties of the Acts of King William. He “therefore moved for leave to bring in a “Bill for granting farther Relief to the different Persuasions of Christians in this “Country, who disbelieved the *Doctrine of the Trinity*.—THE SPEAKER observed, “that the regular course was to move first, “that the motion should be submitted to a “Committee of the whole House; which

“was accordingly done.—LORD CASTLEREAGH said, he certainly *did not see* “any reason to object to the principle of “the Bill. When the Bill was before the “House, he would then be enabled to see “if there was any thing in the mode of “granting the relief liable to objection. “—The House went into a Committee, “when leave was moved for and obtained, “to bring in the Bill in question.”—Now, as the reader will understand, if this Act pass, any person may, with impunity, openly talk, prate, or preach, that *the Doctrine of the Trinity is a false Doctrine*.—What, then, is this Doctrine? Our Church tells us, that, unless we believe in it we *must* be damned; the belief of it is, our Church says, *absolutely* necessary to salvation; and, to allow people openly to say that it is a *false doctrine*, what is this but to allow people to do their utmost to procure and ensure our damnation; and, pray, what did Mr. Paine, or Mr. Eaton, or any body else ever do, or attempt to do, *more than this*?—But, I am before my story. What is the Doctrine of the Trinity?—Why, it is this. That GOD, the Maker of the Universe; the Creator and Sustainer of all things; did, through the instrumentality of the Holy Ghost, assuming the shape of a Dove, beget upon the body of a woman, his son Christ. That Christ, so begotten, was GOD; and that the Holy Ghost was GOD; and yet, that there were not, and are not *three Gods*, but only *one God*.—There are persons who deny this. They say, that they do not believe, that God the Father, God the Son, and God the Holy Ghost, are *one God*; they deny that the two latter are Gods, and acknowledge only *as God, God the Father*.—Who is right and who wrong, I have not the presumption to say; but, this I say, that *both* are not right; that one of the two is wrong; and, I further say, that he who denies the *divinity* of Christ is *no Christian*; whence it follows, that, in my clear opinion, the proposed Act, if passed, would be a sanction to the open preaching *against Christianity*.—The *divinity* of Christ is the basis of Christianity. If he was not God; if he may be considered in any other light; if he may be regarded as *something less*; where is the boundary? Once let the people be told, that he was *a man*, and what becomes of the whole system? Take away the *law*, as it now stands, and see to what lengths men will go. Every one will give his opinion freely upon this point; the *incarnation*.

the *enunciation*; the whole thing will become a subject of *free discussion*, and then it will puzzle any one to devise the means of *criminating* any man, who shall write upon the Christian System. Remove this great prop, and, in my opinion, down comes the fabric.—The *morality* of the Gospel is nothing in support of *Christianity*, which stands upon *faith*; and, if you take away the *divinity* of Christ, where is ground for your faith? The *morality* taught by Christ was taught long before his birth. There was, as our Clergy show us every day, nothing new in the morality. It was the *super-natural* things that took place in Palestine that were new; it was the *miracles*, the *resurrection*, &c., and, if you take away the *divinity* of Christ, what becomes of all these? To suppose, that God had a *son*, after the manner of men, is something so monstrous, so low, so degrading, so absurd, so ridiculous, that it cannot live for a moment, except in a mind brutified by ignorance. And yet, this you must believe, if you believe that God and his Son are *two distinct persons*, and in nowise united in *essence*. What, then, is your belief, Mr. SMITH, or, rather, the belief of those in whose behalf the Bill is to pass into a law? That Christ was *not* the Son of God? Is this their belief? If it be, with what decency do they profess to believe the Scripture? With what decency do they call any one, and by way of reproach too, a *Deist*?—You say, that the Act of the 19th of the present King, requires ONLY “the general belief in the *Doctrines of Christianity* and the Scriptures? ONLY! Why, Sir, this Doctrine is the *all-in-all*. Without it there is no more in being a *Christian* than there is in being a *Pittite* or a *Foxite*, and, I should be very glad to see any one attempt to prove the contrary.—No, if this part is taken away, the whole fabric totters. An Act of Parliament will, in such case, allow people openly to say, that the great Creed of our Church is a falsehood. Our Church lays down one point of faith as indispensable in order to obtain salvation; and the proposed Act will permit any one to say, at the Church door, that no man need believe any such thing, for that the assertion is false, and that one of the most venerable of the Fathers of the Church was a retailer of falsehoods.—What, then, you will say, perhaps, are people to believe what they cannot believe? “*Cannot believe*,” pray what does that mean? The people, in whose behalf you bring forward the Bill,

are, it seems, quite willing to be bound to a *belief of the Scriptures*; they believe, they are content to be bound to believe, that God came down, in the cool of the day, and walked in the Garden of Eden; that he came down and talked to Moses in a Cloud; that the Red Sea opened and formed a sort of walls while the Israelites passed over; that the Sun and Moon stood still at the command of Joshua; that the walls of Jericho fell down at the sound of a trumpet; that five loaves and a few small fishes filled thousands of hungry people: all this, it seems, they are willing to believe as well as we Church people; and *why*, I should be glad to know, are they to be permitted openly to preach against the belief of Christ being God? Why do they not come, at once, and ask for leave to deny the *whole* as well as a *part*? They cannot *comprehend* how Christ can be God, by whom he was begotten. Oh, oh! And can they *comprehend* how the Devil came to take Christ up to the top of a high mountain, and to offer him all the kingdoms of the world? Can they *comprehend* how all the animals got into one single ark? Can they *comprehend* why Deborah and Barak sang the praises of Jael, who drove the nail through the head of Sisera, while he was asleep? No: they pretend not to *comprehend* these. They do, however, believe them as we Church people do; they do, like us, regard them as mystical; and, *why*, I again ask, cannot they accompany us through the whole of our faith?—Besides, what do they mean by being *forced* to believe this, or that? They are forced to *believe* nothing; they are only forbidden to *tell any body* that they do not believe so and so. That is all. If they will but hold their *tongues* and their *pens*, they may believe, or disbelieve just what they please. “*Tender Consciences*,” indeed! And how are their consciences hurt, how are they violated, by a law which forbids the telling of folks that the Doctrine of the Trinity, a Doctrine some hundreds of years old, and taught by all our Bishops and Clergy, is false? They are not, as under some tyrannical governments, compelled to make open declarations that they *do* believe according to the Church; they are only forbidden to say that they *do not* believe according to the Church; they may keep silence; that is their remedy; and I know not why they should be suffered to express their opinions about Christ, any more than I may not be suffered to express mine about the Regent, or his Judges, or his Ministers.

—Let them hold their *tongues* and their *pens*, and their faith is *absolutely without shake*.—When Mr. EATON was tried, the Attorney-General, Gibbs, called for punishment upon the old man, because his book was calculated to endanger the souls of the people, by causing them to disbelieve the doctrines of Christianity. Now, of the Doctrines of Christianity the principal one is, that Christ is God; that there is God the Father, God the Son, and God the Holy Ghost; and that these are not *three* but *one*. This, our Church says, we must believe, or we *cannot be saved*. What, then, having Mr. Eaton's prosecution and punishment in our eyes, are we to think of a proposition for passing a law to permit people openly to preach, that this Doctrine is false; that this faith, upon which the Church tells us our salvation absolutely depends, has no truth in it; and that we ought to believe no such thing?—These are my reasons against the proposed Act. But, besides these, there are others. If the Unitarians are to have an Act passed to authorize them to preach against the Trinity, why should not the Deists have an Act passed to authorize them to preach against Revelation altogether. If one Sect is to be indulged in denying what *they* do not believe, why not another Sect in denying what *they* do not believe? If I am told, that it is right to ease the *Tender Conscience* of the Unitarian, I ask why the *Tender Conscience* of the Deist is not to be considered? I have no objection to an Act of Parliament to allow men to say and to write whatsoever they please upon the subject of religion; but, if such an Act is not to be passed, I really can see no reason for this favour to one particular Sect. If this Sect be indulged in preaching against the Trinity, another may ask for permission to preach against the Resurrection, and so on, till, really, our laws will have chipped the whole of the Scriptures away and all the doctrines growing out of them, or ingrafted upon them. An Act to permit men to say and publish what they please upon the subject of religion would be much less hostile to the Church, than would be an Act giving permission as to one particular doctrine; because in this latter, the parliament seem to give up that doctrine to be demolished; whereas, if the permission were *general*, it would seem to proceed merely from a wish to remove all restraint as to men's faith.—In short, I do not see why this particular sect should be indulged; and I am, on that ground as

well as others, opposed to the intended Act. Our Church says, that this doctrine is the basis of our faith; that to believe in the Trinity is absolutely necessary to our salvation; and, why, I ask, is a particular set of men to be allowed to endeavour openly to prevent us from entertaining this saving belief?—I am no *Doctor*. I do not understand Greek and Latin. But I understand how to count my fingers; and it requires little more to enable any one to discover, that, if one sect be allowed to preach against one part of the Church faith, every other sect ought to be allowed to preach against any part of that faith which they may happen to dislike.—I dare say, that an Unitarian Priest will tell me, NO. He will, I'll engage for him, say, that people ought to be permitted to deny the Godhead of Christ, but that they ought not to be permitted to deny the authenticity of any Chapter in Genesis or Numbers. No: such latter denial does not, probably, suit him. That might lead to consequences that he would not like. If those chapters were set aside, others might, and, at last, away might go the whole; there would then be *no want of an interpreter*, and his priesthood would be at an end. No, no: I am for no partial repeals. I am for a general Act, permitting every man to say or write what he pleases upon the subject of religion, or, I wish the whole thing to remain what it now is.—I wonder that the Clergy, so active as they are upon other occasions, where the interests of the Church are in question, should be so silent on this occasion. They cry out that the *Church is in danger*, when a few Roman Catholics want only to share in the good things under government; but, here, where the very bowels of the Church are aimed at, they say not a word! Is it, because they do not perceive that the Unitarians want to get at their temporalities? I do not know that they do; but, I dare say they would have no objection to come in for a small portion.

MR. CREEVEY.—The case of this gentleman was argued, last week, in the Court of King's Bench, upon a motion of Mr. Brougham for a new trial, upon the ground of misdirection on the part of Judge Le Blanc, who presided at the trial at Lancaster.—I have inserted the proceedings below. They are of very great importance. The Court decided against him; and, in my opinion, decided very fairly.—The only thing that Mr. Cree-

vey has to complain of, is, that he could not set up the *truth* in justification; but, in this respect, he is upon the same footing as the rest of us. I was not allowed to prove the truth of my publication; nor is any man who is prosecuted criminally. If I were to detect a man in the act of theft, real, vulgar, poor-man's theft, and were to state the fact in print, he might indict me for it; might prosecute me; and I must be convicted; for, if there were a witness to the fact, I should not be allowed to produce him to prove the truth of what I had said.—Therefore, Mr. Creevey's case is not singular. He has the same law for him as we all have; and, Mr. Brougham would have done much better to complain on this score; to make a general complaint against the law, than to stand upon any particular privilege.

“GERMAN PATRIOTS.”—The subscription, I see, goes on for these people; and a correspondent begs me to *think better of them*. I do not think ill of the people of Germany. There are no bad people naturally. When they are bad, they are made bad by their governments. But, what I do think, is, that there will be no *population* found in Germany disposed to resist Buonaparté. This is what I think, and I have heard no reasons in opposition to my opinion. If it be merely a war of soldier against soldier, my firm persuasion is, that the French will triumph. However, it is useless to deal in conjectures and opinions. The *proof* is at no great distance.

CATHOLIC QUESTION.—Upon this subject a Bill is now before the House of Commons, the second reading of which stood for Tuesday last, when Sir JOHN COX HIPPISLEY moved to put off the matter by referring to a Committee an inquiry into the existing laws against the Catholics.—This, I must confess, greatly astonished me, who always regarded this gentleman as the great champion of the Catholic cause, but who, it seems, has now discovered them to be a very dangerous body; or, at least, to entertain notions very dangerous to the Church and State.—His motion was lost by a great majority; but, I do not believe, that the Bill will, at this time, become a law for all that.—It is, as I said before, a question of *temporal interests*; and, it is not likely, that those, who are in possession of good things, will admit others to share with them, if they

can help it.—The dry matter is this: shall the Catholics have a share of the seats in parliament, and of the high offices in the State, in the army, and in the navy, or shall they not; or, in other words, shall they come into a full share, with the Protestants, of the *public money*.—Twist and turn the thing as you please; talk about superstition, bigotry, liberty of conscience, or what you like; but, at last, this is the plain, dry question. And, I do not think that the Protestants, who are now in the possession of these good things, will, if they can avoid it, permit these new and famishing candidates to come in and share with them.—If I thought that the Bill was likely to pass, I should use my best endeavours to prevent its passing; because I think it is a Bill, calculated to make the Catholic Clergy the *tools of the government*, and to a much greater extent than the Church Clergy can be expected to be.—The Abstract, which I here insert, will shew, in a moment, that this is the case.—“This Bill enables Roman Catholics to sit in either House of Parliament, and to hold all civil and military offices, upon their taking and making a certain Declaration and Oath, instead of the Oaths of Allegiance, Abjuration, and Supremacy, and the Declarations against Transubstantiation and the Invocation of Saints, required by the present laws, except the offices of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain, or of Lord Lieutenant or Lord Deputy, or Chief Governor or Governors of Ireland. Roman Catholics are also to continue disqualified to hold or to present to any office, benefice, place or dignity, belonging to the Established Church, or the Church of Scotland, or to any Ecclesiastical Court of Judicature, or to any of the Universities of this realm, or to the Colleges of Eton, Westminster, or Winchester, or to any public School of Royal or Ecclesiastical foundation within this realm, otherwise than as they are by the law, as now existing, qualified to hold, or presented to the same.—No Roman Catholic shall present to any Protestant advowson; if any ecclesiastical patronage be attached to any office to which a Roman Catholic is appointed, the patronage shall be executed by such Protestant Privy Councillor as His Majesty may appoint. Roman Catholic Clergymen shall take an oath, purporting that they will not recommend, sanc-

tion, or concur in the appointment or consecration of any Bishop, of *whose loyalty they are not well informed*. Persons discharging spiritual functions without taking this oath, will be guilty of a misdemeanour.—None but a natural-born subject, having been resident in the kingdom five years immediately previous to consecration, shall exercise the functions of Bishop.—These are the heads to Mr. Grattan's Bill, to which Mr. Canning has proposed several supplementary clauses to the following purport:—That every Roman Catholic Bishop to be hereafter appointed shall obtain a certificate from five English Catholic Peers, named in the bill, as to his loyalty; and any Bishop officiating without this certificate, may be sent out of the kingdom. That all bulls or briefs received from Rome, shall be immediately communicated to Commissioners appointed by the bill, namely, five Catholic Peers, the Roman Catholic Bishop of the London district, the Lord Chancellor, and one of the Secretaries of State, being a Protestant, excepting such bulls as relate to the spiritual concerns of individuals, which must be certified upon oath to be purely of such a nature.—The penalty of not complying with that provision, is, that they are liable to be sent out of the kingdom.—The Commissioners to be sworn to secrecy.—There is a similar provision for Ireland.—The Commissioners to certify for the loyalty of Bishops to be five Irish Catholic Peers. The Commissioners for the inspection of bulls to be the same five Peers, the Roman Catholic Arch-bishops of Dublin and Armagh, the Lord Chancellor, and Secretary of State, or one of the Privy Council, being a Protestant.—In the event of the death or absence from the kingdom of any of the five Catholic Peers in either of the kingdoms, a substitute to be appointed by His Majesty from among the remaining Catholic Peers; or, if there should not be a sufficient number of Catholic Peers, any Roman Catholic Gentleman, possessing a landed estate of £1,000 a year may be appointed.—The following is the new oath:—‘I, A. B. do hereby declare, that I do profess the Roman Catholic Religion: and I do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Third, and him will defend to the utmost of my power against all

conspiracies and attempts whatever, that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs, and successors, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession to the Crown (which succession, by an Act entitled, ‘An Act for the further limitation of the Crown, and the better securing the rights and liberties of the subject,’ is, and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body being Protestants); hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this Realm. I do declare, that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State, or Potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this Realm: I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that Princes excommunicated by the Pope or Council, or by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever. I do swear that I will defend, to the utmost of my power, the settlement and arrangement of property within this realm, as established by the laws. I do swear that I do abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to destroy or any ways injure any person whatsoever, for or under the pretence of such person being an Heretic. I do declare solemnly before God, that I believe that no act, in itself unjust or immoral, can ever be justified or excused, by or under the pretence or colour that it was done, either for the good of the Church, or in obedience to any Ecclesiastical Power whatsoever. I do also declare, that it is not an article of the Roman Catholic Faith, neither am I thereby required to believe or profess, that the Pope is infallible, or that I am bound to obey any order, in its own nature immoral, though the Pope or any Ecclesiastical Power should issue or

“ direct such order: but, on the contrary,
 “ I hold, that it would be sinful in me to
 “ pay any respect or obedience thereto. I
 “ further declare, that I do not believe that
 “ any sin whatsoever committed by me,
 “ can be forgiven at the will of any Pope,
 “ or of any Priest, or any person or per-
 “ sons whatsoever; but that sincere sorrow
 “ for past sins, a firm and sincere resolu-
 “ tion to avoid future guilt, and to atone to
 “ God, are previous and indispensable re-
 “ quisites to establish a well-founded ex-
 “ pectation of forgiveness, and that any
 “ person, who received absolution without
 “ the previous requisites, so far from ob-
 “ taining thereby any remission of his sins,
 “ incurs the additional guilt of violating a
 “ Sacrament. I do reject and detest, as an
 “ unchristian and impious principle, that
 “ faith is not to be kept with Heretics or
 “ Infidels. I do hereby disclaim, disavow,
 “ and solemnly abjure any intention to sub-
 “ vert the present Church Establishment,
 “ for the purpose of substituting a Roman
 “ Catholic Establishment in its stead. I
 “ do solemnly swear that I will not use any
 “ privilege, power, or influence, which I
 “ do now, or may hereafter possess, to
 “ overthrow or disturb the present Church
 “ Establishments of the United Kingdom;
 “ and that I never will, by any conspiracy,
 “ contrivance, or device whatsoever, abet
 “ others in any attempt to overthrow or
 “ disturb the same. And that I will make
 “ known to his Majesty, his heirs and suc-
 “ cessors, all attempts, plots, or conspira-
 “ cies whether at home or abroad, which
 “ shall come to my knowledge, for effect-
 “ ing either of these purposes. I do so-
 “ lemnly, in the presence of God, profess,
 “ testify, and declare, that I do swear this
 “ Oath, and make this Declaration, and
 “ every part thereof, in the plain and ordi-
 “ nary sense of the words, without any
 “ evasion, equivocation, or mental reser-
 “ vation whatever, and without any dis-
 “ pensation, already granted by the Pope,
 “ or any authority of the See of Rome, or
 “ any person whatever, and without think-
 “ ing that I am, or can be acquitted before
 “ God or man, or absolved of this Decla-
 “ ration, or any part thereof, although the
 “ Pope or any other person or authority
 “ whatsoever shall dispense with or annul
 “ the same, or declare that it was null and
 “ void from the beginning.—So help me
 “ God.”—As to their *swearing*, I do not
 “ care a straw for that; but, I do not like
 “ the power of punishing those Clergymen,
 “ who may concur in appointing any Bishop,

“ of whose *loyalty* they are not well in-
 “ formed.” This word *loyalty* is of so
 “ equivocal a meaning; it is a word which
 “ allows of such latitude of interpretation,
 “ that I would not trust any ministry with the
 “ power of interpreting it.—Ask any sine-
 “ cure placeman what *loyalty* means, and he
 “ will tell you, that, amongst other things,
 “ it means an acquiescence in his living upon
 “ the public. Ask what it means amongst
 “ the hordes of Contractors and Jobbers, and
 “ they will exclaim, that you must be a fool
 “ not to see that it means an approbation of
 “ their mode of making money. Put the
 “ same question to all those who are interest-
 “ ed in the prolongation of the war; and they
 “ will, to a man, tell you, that it is disloy-
 “ alty to talk about peace with France; and
 “ their mothers, wives, sons, daughters,
 “ grandfathers, grandmothers, uncles, aunts,
 “ and cousins, to the fourteenth generation, will
 “ say the same.—A word of such latitude
 “ should never have been introduced into an
 “ Act of Parliament. *Loyalty* will, in fact,
 “ be a devotion to the ruling faction of the
 “ day; and, of course, if this bill were to
 “ pass, the ready way to become a Catholic
 “ Bishop would be to become a time-serving
 “ politician.—Besides, why should this
 “ quality of *loyalty* be more insisted upon
 “ than the quality of *patriotism*? Mr. GRAT-
 “ TAN, the supposed author of this Bill, has
 “ heretofore shone as a *patriot*; and, why
 “ should now greater care be taken of the
 “ throne than of the *people's rights*. For my
 “ part, I can see no reason for this. I see
 “ greater reason to object to the Bill on this
 “ account than on any other. It is said to
 “ give securities to the Protestant Church; it
 “ is said to give securities to the *throne*; but,
 “ where are its securities to the *people's*
 “ *rights*? Where is the security, that, for
 “ the sake of interest, the Catholic Church
 “ will not join a corrupt faction against the
 “ freedom of the people? When the Act of
 “ Settlement was passed; that Act which
 “ sent down the crown in the Protestant suc-
 “ cession, it was called an Act for “ *better*
 “ *securing the liberties of the people*,”
 “ which had been thought to be endangered
 “ by the Romish doctrines as applied to poli-
 “ tics; but, in this Bill, not a word seems to
 “ be said about the liberties of the people; it
 “ is the *Crown* and the *Church*, which are
 “ to be secured; and, so that they be
 “ but secured, it would seem to have
 “ been thought of no consequence what
 “ becomes of the *people's rights*.—In short,
 “ what advantage are we to derive from Ca-
 “ tholics being allowed to become Judges,

Generals, Admirals, and Members of Parliament? I do not say, that they ought to be excluded from these situations, but, what good will the nation, or even the great mass of the Catholics, derive from such a change? Very little, I believe; and, if the Catholic clergy are to be made *more dependent* than those of the church, I am sure the change will be an evil. I always was of opinion, that this measure *alone* would do Ireland no good; I have always understood that the great body of the Irish Catholics viewed it with indifference, if not with contempt; and I do not believe, that any Irish gentleman, well-informed upon the subject, will assert the contrary. —“*Boon!*” what *boon* is it to the two or three millions of potatoe-planters and linen weavers, who have no more chance of a seat in parliament than they have of a belly-full of meat once a day? We have been told, that this bill will bring forth the population of Ireland to fight our battles; why, if we were to believe all that we have heard, it is the Irish and Scotch that do *now* fight all our battles, or, at least, win all our victories. What can they do *more* for us in this way? We “o’ tha Sooth,” have long stood with our fingers in our mouths, and seen all the laurels taken off twig by twig, by our “sister kingdoms.” I shall never forget the acclamations, the uproar of boasting, in the House of Commons, upon the news of General Graham’s *victory*, which the Spaniards, by-the-by, spoke rather queerly of. The Scotch claimed the honour on account of the *commander*, and the Irish on account of the *men*; and there sat the 426 English members as if struck dumb. Mr. Sheridan told them how the wondrous Commander, while lying upon the ground in Spain, sketched out cottages for his tenantry at home. But, the barely thinking of that scene makes one sick. —The point I aim at is this: if the “true Irish heroes,” as GENERAL MATHEWS called them, upon the occasion here referred to, fight our battles *now*; if Ireland, as others tell us, *feeds* us *now*; why make any change at all? Can she do *more* than fight our battles and feed us? —The truth is, that the soldiers and sailors from the three kingdoms, are, I believe, all equally brave; and that they are, when not impressed, all induced to go into the service, with the *hope of getting more victuals and better clothing*, or of escaping something which they dread more than they dread the service. These are the causes which send men into the naval and military service;

and it is an insult to common sense to suppose, that men, influenced by such motives, should find an additional motive in this Catholic Bill; to suppose, that a man, who, in these kingdoms, is at all likely to enter as a common soldier or a common sailor, should be the more disposed to do it, because a law has been passed, which *removes the obstacle to his becoming a field-officer*, of which he has, indeed, perhaps, a better chance than he has of being enrolled in the Calendar of Saints, but of which the chance is so very small as never to enter, even in a dream, into his mind; to suppose this, is something so very wild, that one cannot help being astonished at its being seriously mentioned by men of sense. —But, do not those, who affect to hold this opinion, contradict themselves? They never fail to remind us, or, rather, to assert, that the far greater part of our sailors and soldiers are Irishmen. Now, if this be the case, how comes it that it is so? It is always taken for *granted*, as Doctor Duigenan once shrewdly observed, that all these Irish soldiers and sailors are *Catholics*. If this be true, it seems, then, that the protestants, against whose becoming Marshals and Commanders in Chief there is *no prohibition*, are *less* eager to enter the service than the Catholics, who are, by law prohibited from experiencing such advancement. How will the advocates for the Bill account for this! —Oh! it is a sad mockery of poor, hungry, half-naked fellows, to ascribe to them any such ridiculous motives. They act from the plain, undisguised motive of making their lives better; of getting rid of evils which they feel press upon them; and having become soldiers and sailors, they generally behave valiantly and faithfully. In gratitude for the services of Catholics, it may be just to indulge them in their religious opinions; but, I abominate the talk about their being induced to become soldiers or sailors by a Bill, which, if it becomes a law, may cause a score or two of the sons of Catholic Noblemen and Gentlemen to obtain elevated rank in the navy or the army. —The great objection to the building of the measure upon reasons like this, is, that it will produce disappointment. The people of Ireland want *more* than this Bill will give them. They feel the *lithes*, and not the prohibition to become Field-m Marshals. I dare say, that, out of a million, you would not find one, who would not sell his reversion to a *Staff* for a pottle of potatoes. The measure proposed by Mr. Parnell about

tithes, would have done some good; but all the men of sense from Ireland, whom I have conversed with upon the subject, are of opinion, that a total change, as to Church property, is necessary in that country. Perhaps they, too, deceive themselves; for, when once a whole population, or the great mass of it, is become miserable, it is very hard to say what remedy can be applied. —To know the state of Ireland we need not go thither; we need not go to be witness of the man and his inmate, the pig, going to the same source for their dinner, the one helping himself with his paws and the other with his snout. We need not go thither; all we have to do is to observe, that, let what will happen to agitate the public mind, not a movement is seen in Ireland. Upon any of the occasions, within these ten years, when Addresses, or Petitions, for redress of any grievance, have poured in from the different parts of England, who has heard a word from any part of Ireland? It is manifest that there is no *public mind*. It is manifest, that, with a climate and soil better than those of the greater part of England; and with a population naturally robust, brave, acute, eloquent, and generous; that with all these, Ireland is rendered comparatively nothing. And, will she be restored by a Bill which may put half a dozen lawyers' heads into big wigs, and clap two shoulder-knots upon the shoulders of a hundred or two of officers who can now wear but one? Will a measure like this re-animate the mind of Ireland, who, while all the rest of the world is in noisy life, "like Lethe sleeps beneath the storm?" — "Tranquillity!" We are told, that this Bill will effect the "*tranquillity* of Ireland." Really, to hear some people talk, one would imagine, that, in their view of the matter, *death* was the most desirable of all things. Why, the people are tranquil enough in Turkey and Algiers. Formerly men talked of the *freedom* of a nation; they cited its bustle and agitation as signs of its spirit of liberty. But, now-a-days, tranquillity seems to be the only thing that we ought to look after; except, indeed, in *France*, where we most anxiously seek for commotions and insurrections. — But, if *tranquillity* be the object, Colonel Dillon's plan is certainly far preferable to this plan of Mr. Grattan. Ireland, as I have above observed, seems to *enjoy* tranquillity as perfect as can well be enjoyed on this side of the grave; but, if it were otherwise, how is the change to be effected by this Bill? Some five or six

score of lawyers, who see in this Bill the chance of elevation, may, perhaps, be silenced, and, Mr. Grattan may, indeed, ask me, if it be doing nothing to shut *their* mouths. Why, yes; it is something, I confess; but, we are not talking of getting rid of mere noise and froth. We are talking about keeping a people quiet; or, in other words, preventing insurrection and rebellion. And, in what way is this Bill to produce any such effect in Ireland? Those who are to be benefited by the Bill, are the very persons who must naturally be indisposed to insurrection and rebellion. — Colonel Dillon's plan was of a kind better suited to the wished-for effect. That gentleman, who is also a Member of Parliament, proposed, in a work addressed to the Prince Regent, to keep Ireland *tranquil* by the means of *inland fortresses*, with regular works, well mounted with cannon? That was his plan, and a much more sensible plan it was than that of Mr. Grattan. He proposed to employ the people in raising the works, and then to man the works with a part of them, to keep the rest in order. — What does all this scheming prove? Only that Ireland is in a most wretched state, and that she is to be relieved effectually only by some measure, which shall produce a *great change in the condition of the people*; and, assuredly, no such change will be, or can be, produced by the Bill in question.

WM. COBBETT.

Botley, 13th May, 1813.

*** I think proper to inform my readers, that the Sixth Anniversary of the Election of Sir Francis Burdett for the City of Westminster, will be held at the Crown and Anchor Tavern, on Monday, the 24th instant, upon which occasion Sir Francis Burdett will be in the chair.

MR. CREEVEY'S CASE.

COURT OF KING'S BENCH, FRIDAY, 7th MAY.

The King v. Creevey.

MR. BROUGHAM, in the case of the King, on the prosecution of Kirkpatrick v. Creevey, moved for a rule to shew cause why the verdict of Guilty should not be set aside, and a new trial granted, on the ground of misdirection on the part of the Learned Judge. In making this motion, he should first state the proceedings which had taken place on the trial, and should then go on to notice the objection which he had then

urged on the Learned Judge who tried the case, and now meant to enforce on the Court for their consideration.

LORD ELLENBOROUGH asked, was the defendant in Court?

MR. BROUGHAM said, he was.—The offence charged against the defendant was a supposed libel in a publication, purporting to be a speech, or report of a speech, made by the defendant in the Commons House of Parliament, of which he was a Member. An indictment having been preferred against him for this offence, at the Quarter Sessions, the same was removed by CERTIORARI into this Court, and was afterwards sent down to be tried at the last Assizes for Lancaster. At the trial he had moved to have it put off, on account of the absence of a material witness, Mr. Bennet, a Member of the House of Commons, who was present when the speech supposed to contain libellous matter was read, and who would have proved that the publication in question contained the substance of that speech. He was saved the necessity of urging this point, however; his Learned Friend, Mr. Park, the Attorney-General for the Duchy of Lancaster, having agreed to admit that the publication contained a fair report of the substance of the speech made by the defendant in Parliament. This point being settled the trial proceeded, when Mr. Smith, Printer of the Liverpool Mercury, proved the publication, and that he had received it in a letter enclosed in an envelope from the defendant, desiring him to publish it, the publication in question being part of a speech which the defendant had delivered in the House of Commons, on the State of the Trade of Liverpool, and on the East India Company's Charter. On his cross-examination, this witness admitted, that, though he had lost the envelope, he recollected its contents;—that the defendant then complained that he had seen mistatements of his speech in that and in other papers, and was anxious to give the enclosed as a more correct account of what he had actually said. This was all the evidence of any importance adduced on the trial; and, on its being closed, he, (Mr. Brougham) submitted to the Learned Judge, who tried the indictment, (Mr. Justice Le Blanc,) that enough had been proved to go to the Jury, inasmuch as it was not libellous matter: and, 2dly, whatever was the nature of the publication, that enough had been proved to shew that it was a justifiable publication under the circumstances of the case. The Learned Judge was of a contrary opinion,

relying on the case of the King v. Lord Abingdon. He (Mr. Brougham), on the other hand, relied on the case of the King v. Wright, which occurred about three or four years afterwards. That, the Learned Judge observed, was an application for a criminal information, and that a great distinction was held by the Court between criminal informations and common indictments, the former being granted only as an extraordinary remedy. In answer to this, he (Mr. Brougham) remarked, that the ground stated by the Learned Judge was not that on which the information in that case had been refused, but, that it had been refused on its merits, all their Lordships having stated that there was no ground to send the matter for trial, it not being an offence punishable at all. It was not, they all agreed, a matter of judicial inquiry, inasmuch as it was a true account of what happened in Parliament. The Learned Judge then distinguished from a case like the present, the cases of characters given of servants, on the ground, that there confidence was reposed. He (Mr. Brougham) contended that that distinction could not apply, as that was only one of the modes or means, and that there were others which equally afforded a justification, in support of which doctrine he referred to the case of Weatherston and Hawkins, First Term Reports, where Lord Mansfield and Mr. Justice Buller laid it down that the occasion on which words were used might amount to a justification of these words; and that, to every libel there might be a justification from the occasion.

MR. JUSTICE BAILEY said, there the party was not a volunteer, but owed it to the public.

MR. BROUGHAM said, he put it on this principle that there was nothing in the occasion on which the speech was made which implied malice. He (Mr. Brougham), his objections being over-ruled, then went to the Jury; and the Learned Judge, in summing up, repeated in substance, what he had already done, desiring the Jury first to be satisfied as to the fact of publication, and then to say if it was not a libel, or publication of a defamatory tendency. The Learned Judge, however, did not afterwards leave the manner of the publication entirely out of consideration. He informed the Jury, that though a Member of Parliament could not be called to account for what he spoke in the Houses of Parliament, yet, when the speech appeared in the Papers, it became a question whether it was mali-

cious or not. As to the point urged on behalf of the defendant, that he did not even know the party supposing himself aggrieved, that was of little consequence, the only fact for the consideration of the Jury was, if the publication was libellous. In his Lordship's opinion it was defamatory, and the law inferred malice from the mischievous tendency of the publication. The Jury accordingly found the Defendant Guilty.

MR. BROUGHAM, however, now contended, that this was a publication made in such circumstances as to prevent even the possibility of inferring malice. The defendant was a Member of Parliament, and as such not responsible for what he said in the House of which he was a Member. He was the representative, not of the body by whom he was sent into Parliament alone, but of the whole community: he not only owed it to them to account for his conduct in Parliament, but it was his incumbent duty so to do: and, if that duty could be rendered more incumbent, in any one instance than in another, it must be in this very instance which had occurred on the present occasion, namely, where his conduct in Parliament had been misrepresented; in which case it became his duty to justify himself, and to set his conduct right in the eyes of the community. He should proceed, however, in the first place, to consider the case of the King and Lord Abingdon, as the Learned Judge who tried the case had made it the ground for overruling the preliminary objection taken on the trial. It appeared, in that case, that Lord Abingdon having employed Mr. Salmon as his attorney, took occasion in the course of introducing into Parliament a Bill to correct improper practices in Attorneys, to introduce a string of defamatory matter against Mr. Salmon; and that he afterwards had the same defamatory matter published at his own expense in different newspapers. When the case came to be tried his Lordship appeared in Court himself without any Counsel, the information having also been granted without opposition. Lord Kenyon in charging the Jury, in that case, observed, that a Member of Parliament had a right to make speeches in Parliament, without being subject to any control; yet, that he was not to make any such speech the vehicle of slander. In this doctrine he, (Mr. B.) perfectly agreed.

MR. JUSTICE BAILEY asked, then was he to understand that the present publication was not libellous?

MR. BROUGHAM said, the speech had not been made the vehicle of slander.

MR. JUSTICE BAILEY observed, if it conveyed reflections against the character of the prosecutor it had been made the vehicle of slander.

MR. BROUGHAM contended, if the defendant had an interest in publishing the paper in question, for other purposes, it could not be said to be the vehicle of slander against the prosecutor, though he was incidentally defamed in it, or his character attacked. If the defendant had published the speech in question for other purposes, or with other views, he was not liable for what might arise incidentally from the publication. Lord Kenyon also there laid it down that the mind must be in fault. Here there were no circumstances that went to infer malice. A few years after this case of Lord Abingdon's came the case of the King v. Wright. A Criminal Information was there moved for on the part of Mr. John Horne Tooke, against a Mr. Wright, a bookseller, for publishing a Report of a Committee of the House of Commons, attributing to Mr. Horne Tooke charges of a treasonable or seditious nature, after he had been tried and acquitted of high treason. The Rule was granted in the first instance, and was afterwards very fully argued. It was not denied that the publication contained an accurate copy of the Report of the Committee of the House of Commons; and Lord Kenyon was there for discharging the Rule, on the ground that the publication was an accurate Report of what had passed in Parliament. The case would be found in Eighth Term Reports, p. 206; and Lord Kenyon was there made to lay it down that it would be impossible for the Court to admit that any proceeding in either of the two Houses of Parliament could be of a libellous nature. Mr. Justice Grose concurred generally in the same opinion; and Mr. Justice Lawrence referred to other cases, and entered into the matter more at large. He put the proceedings in Parliament, and in the Courts of Law on the same footing. He referred to the case of Currie and Walter, 1st. Bosanquet and Puller, p. 525, in which it was held that an accurate report of a proceeding at law was not a libel, but, on the contrary, was of advantage to the public, and to the ends of justice. Such, also, that Learned Judge conceived was the case with an accurate report of a proceeding in Parliament. Such publication was of advantage to the public, and even to the Legislative Bodies, and they would be deprived of that advantage if publications of their proceedings were to be prevented. The Learned Counsel, as

he had taken the liberty to do on the trial, must now again submit that it was impossible to distinguish the case now alluded to from the present. The one publication was justifiable because it had taken place in Parliament, and because it was accurate and true. For the same reasons, he submitted, so was the other. In these respects both publications were alike. What was the proceeding in Wright's case? It was an accurate publication of a Report of a Committee of the House of Commons. What was the present proceeding? It was a speech made by a Member of the House of Commons; in a House duly constituted; made by him in discharge of his Parliamentary duty; and to which the House were bound to listen. The act consisted in the Member's making the speech, and in the House listening to it. Here it did not happen to be either a Report or a Petition which was laid before the House, and which they might have disposed of as they thought proper; but it was a statement made by a Member in the course of observations made by him in discharge of his Parliamentary duty, he having an incontestible right to make them. The House heard what he had to say. The proceeding was final, and was determined, after the Member, in discharge of his duty, had made the speech, and the House had listened to it. If the House had so inclined, they might have dealt even penally with him for making the speech. They might have called him to order; they might have stopped him; and, if that had not been enough, they might have committed him for having so spoken. In that "highest, most honourable and absolute Court of Justice," he might have been committed for exceeding his duty, as a Counsel might in this Court. As in the Court of Common Pleas, in the case of Currie and Walter, and in this Court in the case of the King and Wright; so, in the House of Commons, if the Member had abused his privilege of speech, and made it a vehicle for abuse and slander, as in Lord Abingdon's case, it would, to use the language of Lord Ellenborough in the case of Burdett v. Abbott, not be decent to suppose that the House would suffer its privileges to be abused with impunity. To argue that the House would suffer a man to be defamed in a speech to which they listened, without censure or disapprobation, would be to suppose that the House itself would become a party to such abuse. Mr. Justice Lawrence, the Learned Counsel con-

ceived, must have had in view the judicial character of the House, when he expressed himself as he did in the case of the King v. Wright. It was clearly pointed out in Coke, in his first Institute, where he says, "Parliament is the highest and most honourable and absolute Court of Justice in England."—"It is called Parliament because every Member of that Court should sincerely and discreetly *parlen la ment*, for the general good of the Common-Wealth;"—And such must also have been the view entertained by his Lordship on this subject, in the case of Burdett v. Abbott. It was on that ground that the House had the power of commitment. He begged here to be allowed to state, that there were 30 or 40 Resolutions of the House of Commons against strangers publishing debates, and not one Resolution on that subject relating to Members, or in which they are censured for so doing. The case of Wright was exactly against those 30 or 40 Resolutions, the Reports which he was prosecuted for publishing, have only been ordered to be printed for the use of the Members.

LORD ELLENBOROUGH said, he understood all Parliamentary papers were ordered to be printed for the use of the Members; none of them for the information of the community.

MR. BROUGHAM agreed that this was so; but Mr. Wright had not published the report in question for the accommodation of the Members, but of the Public. The question was, whether he was at all protected in publishing it; and on that question all those 30 or 40 resolutions against strangers might have been thrown in his teeth; but the decision went to this, that the contempt could only be taken cognizance of in Parliament, and punished there. He farther submitted, that there was here enough in the occasion of making the publication to justify it, and to have warranted the Learned Judge in sending it more strongly to the Jury, as rebutting and excluding the presumption of malice. The present was of the same description with the case of Delaney and Jones, where a public advertisement having been inserted, charging a person with suspicion of the crime of bigamy, it was held to be a justification that the defendant had an interest in making the inquiry. Here the publication was not made with a view to investigation, but still on an occasion equally capable of having good faith assigned as the cause of it, namely, that of explaining the defendant's conduct to his constituents.

LORD ELLENBOROUGH said, it would not bear an argument, that with a view to stand well with his constituents, a Member of Parliament might publish what he pleased. That was an innovation on the law of the land, which, he hoped, would never be tolerated.

MR. BROUGHAM said, that was not his argument, which only went to this, that a Member of the House of Commons might publish what he spoke in that House. Again referring to the case of the King and Wright, he submitted that the defendant was entitled to a new trial in this case.

LORD ELLENBOROUGH saw no foundation whatever for granting the present Rule. If any doubt had belonged to the case, his Lordship should have been of opinion that it ought to be fully discussed, in order to its being finally put to rest. But as there was nothing in the argument which had been addressed to them, except in the extravagant construction given to the opinion of Lord Kenyon, that that Court could not admit a proceeding in either House of Parliament to be a libel, he was of opinion that the Rule ought at once to be refused. The present, however, did not range itself under the head of a proceeding in Parliament. But if a Member chose to state in the House of Commons what he thought fit subject of debate, that is afterwards published, and he chuses, because he esteems it more or less correct, to re-publish it himself, and it is found to contain defamatory matter against individuals, is he to be authorized to do so, because he may have spoken it in the House of Commons? Because he has not met with reprobation in that House, has he a right to address the same improper and defamatory matter as an *Oratio ad populum*? Where was such a doctrine to be met with in our Law Books, or even in any Book of Theories on the subject of Libels? It was an accident, or rather a misfortune, of the present day, to have such a proposition started, and to have it bandied about in every news-paper. The case of Currie and Walter was not now before the Court. When such a case should arise, he should hesitate much before he went the full length of the doctrine laid down in it. As to the occasion of the present publication, whether it was libellous and malicious, those had been left to the Jury. To bring the present case within that of Lake and King, which related to the printing of a Petition before the House of Commons, it would be necessary to see the Order of the House, to Members to

print their speeches. There was not here the least colour for granting a new trial, and it would be wrong to excite doubts where none remained.

MR. JUSTICE GROSE was of the same opinion; he was not disposed to find fault with the direction of the Judge, or with what the Jury had done.

MR. JUSTICE BAILEY should have been happy to have the case further gone into, if there was any doubt on the subject, which he was decidedly of opinion there was not. A Member had a right to speak boldly and freely what he chose in the Houses of Parliament, without being subject to be called to account; but he was not entitled, out of his place in Parliament, more than any other man, to state what was injurious to any individual. Such was even laid down in the case of Lake and King, in which it was held to be justifiable only because it was a proceeding in Parliament. But it had never been pretended that it was in the course of Parliamentary proceeding for a Member to let himself down so low as to communicate his speech to a printer for publication. If he were misrepresented, he could set himself right in his place, but he could not be suffered himself to publish defamatory matter against any man. He could not agree that every thing that passed in that Court, if accurately stated, might be legally published. If, for instance, a prosecution for blasphemy were to be brought, would a publication of every thing which occurred in the course of such an investigation be tolerated, thereby giving greater publicity to what ought never to have seen the light? Or could every speech of Counsel, commenting upon the evidence of witnesses, which even the person making it would be sorry to see make a deep and lasting impression, be supposed to be a fit or justifiable subject for publication? He was of opinion they could not. The present, he was satisfied, was a case in which the occasion did not justify the publication.

MR. JUSTICE LE BLANC remained of the same mind he had been in on the trial.

MR. BROUGHAM observed, in answer to an observation of Lord Ellenborough's, that he had relied on the law as laid down by Mr. Justice Lawrence, in the case of the King and Wright, in which he referred to the case of Currie and Walter, rather than on the case of Currie and Walter itself.

The rule was refused.

Mr. Creevey was in Court himself during the whole of the proceedings, accompa-

nied by Mr. Western, General Ferguson, and the Hon. Henry Grey Bennett.

OFFICIAL PAPERS.

AMERICAN STATES.

(Continued from page 704.)

rying it on, no principle of justice or honour, no usage of civilized nations, no precept of courtesy or humanity have been infringed. The war has been waged on our part, with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed. —How little has been the effect of this example on the conduct of the enemy. They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war. —They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honourable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting, but compelling them to fight its battles against their native country. —They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And, what was never before seen, British Commanders have extorted victory over the unconquerable valour of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates. —And now we find them in further contempt of the modes of honourable warfare supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated Republic. Happily, like others, those will recoil on the authors: but they mark the degenerate councils from which they emanate: and if they did not belong to a

series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a Government which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary. —To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard before the enemy was apprized of the reasonable terms on which it would be re-sheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed in the military resources of the nation. —These resources are amply sufficient to bring the war to an honourable issue. Our nation is, in number, more than half that of the British Isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessities, the arts, and comforts of life. A general prosperity is visible in the public countenance. The means employed by the British Cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and, draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew, and still know, that without them it could not be carried on through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and the success of our arms now, may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us, that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress."

New York, March 4, 1813.

NOTICE TO BRITISH SUBJECTS.

Marshal's Office of the United States of America for the District of New York, at the City of New York, March 4, 1813.

By virtue of the power vested in me, and special instructions from the proper authority, all Alien Enemies, engaged in commerce, and residing and being within forty miles of tide-water, or the margins of the Hudson and East Rivers, and Long Island Sound, in the district of New York, and particularly those in the City of New York, are hereby required forthwith to retire beyond that distance from tide-water, and the margins of the Hudson and East River and the Sound. Passports for their departure will be given at the Marshal's Office, and the places of their residence therein designated. Persons of the above description, who refuse or neglect to comply with this requisition, will be immediately taken into custody.—And all alien enemies, not engaged in commerce, and residing and being within 40 miles of tide-water, or the margins of the Hudson East Rivers, and the Sound, in said district, are required immediately to apply to the Marshal for permission to remain where they are, which permission will be granted when it satisfactorily appears that their intentions towards the United States are friendly, and that the indulgence and hospitality which have been extended to them have not been abused or misapplied.—Also, Alien enemies, of every occupation or profession, who have arrived in the city of New York, from a foreign place, since the declaration of war, are required, without delay, to retire into the interior of the country, beyond the distance above-mentioned. If the different requisitions required by this notice are not unconditionally complied with, vigorous measures will be taken against all those to whom it has reference.

PETER CURTINIUS,
Marshal of the District of New York.

NORTHERN WAR.

Head-quarters, Zubst, April 7, 1813.
I hasten humbly to inform your Excel-

lency of the happy occurrences of the 5th April, with the intent of relieving the good citizens of Berlin from the dread and fear they entertained of possibly again seeing the enemy within their walls.—General Von Borstell, with his detached corps, had already advanced as far as Wahletz, for the purpose of surrounding Magdeburg on the right bank of the Elbe; but, on the 2d of April, being attacked by a superior force, he, according to his previous instructions, retreated back to Nedlitz, but covered the roads to Burg and Gommern by Cossacks.—On the 5th of April the enemy obliged General Von Borstell to fall back to Cevena (on the road to Gortzke), and forced the Cossacks past Lutzkau and towards Burg.—As I had received certain information that the Viceroy of Italy commanded this expedition in person, with a corps d'armee of four divisions, about 23 or 24,000 men strong, among which were 3,000 cavalry, 40 pieces of artillery, not only causing the country round Magdeburgh to be plundered (on the right bank of the Elbe), but likewise, not knowing that my corps was so near him, intended making an attempt upon Berlin; I determined on attacking him with my whole strength, to drive him back with my whole force.—For this purpose, on the 4th April, I concentrated the force of General Von York, near Zorest, that of Lieutenant-General Von Berg, at three German miles from thence, in the village of Lietzo, and fixed my head-quarters at Zorest. I directed General Von Borstell, and likewise General Von Bulow, who had, so early as the 4th April, arrived at Ziesa, to push as far forward as the enemy would permit; but that they should on the 5th, when they would be informed by a cannonade of my having commenced an attack, fall on the enemy with the greatest impetuosity.—On the 5th, in the morning, Lieutenant-General Von York's corps advanced to Leitzkeu, and that of Lieutenant-General Von Berg to Ladeburg.—Lieutenant-General Von Borstell had advanced towards Makun, and Lieutenant-General Von Bulow to Hohenzas. At two o'clock in the afternoon, Lieutenant-General Von York was obliged to send a van-guard towards Gammern, and Lieutenant-General Von Berg to do the same to this place.

(To be continued.)